

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
CIVIL ACTION FILE NO. 7:22-cv-192-D-BM

NEAL SHULMAN,

Plaintiff,

v.

JULIA OLSON-BOSEMAN, NEW  
HANOVER COUNTY COMMISSION  
CHAIRWOMAN; DEB HAYS, VICE  
CHAIRPERSON [NEW] HANOVER  
COUNTY COMMISSION; BILL  
RIVENBARK, COMMISSIONER, NEW  
HANOVER COUNTY COMMISSION; ROB  
ZAPPLE, COMMISSIONER, NEW  
HANOVER COUNTY COMMISSION;  
WANDA COPLEY, NEW HANOVER  
COUNTY ATTORNEY; and  
CHRISTOPHER COUDRIET, NEW  
HANOVER COUNTY MANAGER,

Defendants.

**DEFENDANTS' JOINT  
MOTION TO DISMISS  
IN LIEU OF AN ANSWER**

**(Fed. R. Civ. P. 12(b)(6))**

NOW COME Defendants Julia Olson-Boseman, Deb Hays, Bill Rivenbark, Rob Zapple, Wanda Copley, and Christopher Coudriet (hereinafter collectively "Defendants"), by and through the undersigned counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and hereby move the Court for an order dismissing the claims against them.

In support of this motion, Defendants respectfully submit that the Complaint fails to state a claim upon which any relief may be granted. By way of further support, Defendants respectfully direct the Court to their supporting memorandum of law, filed contemporaneously herewith.

WHEREFORE, Defendants move the Court for an order dismissing the claims against them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Respectfully submitted, this the 29th day of December, 2022.

SUMRELL SUGG, P.A.  
*Attorneys for Defendants*

BY: /s/Frederick H. Bailey, III  
State Bar No. 36603  
Email: [fbailey@nclawyers.com](mailto:fbailey@nclawyers.com)  
416 Pollock Street  
Post Office Drawer 889  
New Bern, North Carolina 28563  
Telephone: (252) 633-3131  
Facsimile: (252) 633-3507

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **DEFENDANTS' JOINT MOTION TO DISMISS IN LIEU OF AN ANSWER** was served upon all parties of record by depositing the same in a postpaid wrapper in an official depository under the exclusive care and custody of the United States Postal Service, New Bern, North Carolina, and addressed to:

Richard P. Theokas, Esq.  
THEOKAS LAW FIRM, PC  
Post Office Box 3971  
Wilmington, North Carolina 28406  
Telephone: (704) 419-9365  
*Attorney for Plaintiff*

This the 29th day of December, 2022.

SUMRELL SUGG, P.A.  
*Attorneys for Defendants*

BY: /s/Frederick H. Bailey, III  
State Bar No. 36603  
Post Office Drawer 889  
New Bern, North Carolina 28563  
Telephone: (252) 633-3131  
Fax: (252) 633-3507  
E-Mail: [fbailey@nclawyers.com](mailto:fbailey@nclawyers.com)